

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Revision Petition - Ranga Reddy District – Revision Petitions filed by Smt.P.Hima Bindu W/o Sri Hari Krishna and 5 others against the orders of RDO East Division, regarding land in Sy.No.39 and 40, situated at Bachupally Village, Qutubullapur Mandal – Dismissed – Common Orders – Issued.

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REVENUE (ASN.V) DEPARTMENT

G.O.Ms.No. 1223

Dated: 1st December, 2009
Read the following:

- 1) Revision Petition filed by Smt.P.Hima Bindu W/o Sri Hari Krishna, dated: 18-02-2009
- 2) Revision Petition filed by Smt A.Vindyavali W/o Sri A.Prabhakar Reddy, dated: 18-02-2009
- 3) Revision Petition filed by Smt.A.Bhanu Rekha W/o Sri Chandra Kiran, dated: 18-02-2009
- 4) Revision Petition filed by Sri P.Hari Krishna, Director M/s Srinivasa Associates, dated: 18-02-2009
- 5) Revision Petition filed by Smt.A.Bhanu Rekha, Partner of APR Associates, dated: 18-02-2009
- 6) Revision Petition filed by Sri A.Shankar Reddy S/o Sri A.Raghava Reddy, dated: 18-02-2009
- 7) Govt.Memo.No.12264 to 12269 / Asn.V(1)/2009, dt.18-03-2009
- 8) High Court Common orders dt. 01-05-2009 in WP Nos. 5820, 5834, 5946, 5856, 5857 & 5859 filed by Smt.A.Vindyavali and others
- 9) Implead Petition filed by Counsel for the Rajiv Swagruha Corporation, dt.20-07-2009
- 10) From the Collector, Ranga Reddy District Lr.No.E5/3721/2009, dt.23-07-2009

ORDER:

In the reference first to six read above, Smt.P.Hima Bindu W/o Sri Hari Krishna and 5 others have filed Revision Petitions before Government against the orders of Revenue Divisional Officer, East Division, Ranga Reddy District issued in Proceedings No.B/4374/2005, dt.17-11-2007 under Section 4-B of A.P. Assigned Lands (POT) Act,1977 (Act 9/97), The Revision Petitioners have contended that they have purchased the lands to an extent of Ac.30.86 gts., in Sy.No.39 to 40, situated at Bachupally Village, Quatubullapur Mandal, by way of Sale Deed, and requested the Tahsildar to mutate the lands in favour of them. The Tahsildar, Qutubullapur Mandal, without enquiring the matter have issued notices in Form-I under Section 3(2) of A.P. Assigned Lands (POT) Act, 1977 and without any enquiry and without considering the objections of the petitioners has passed the orders against the petitioners. They have filed appeals before RDO East Division Ranga Reddy District. The RDO East Division without any further enquiry and without any opportunity of being heard, has dismissed the appeal.

2. Aggrieved by the above orders petitioners have filed Revision Petitions before the Government, on the following grounds;

- a) The impugned order is illegal, contrary to law and vitiated by jurisdictional errors.

(PTO)

- b) The respondents failed to see that the land in question is not an assigned land within the meaning of Section 2 (1) of the Act and without deciding the jurisdictional fact on the basis of the material on records, the respondent could not have resumed the land and therefore, the impugned proceedings are without any jurisdiction.
 - c) The respondents failed to see that the pattedar pass books and title deeds were issued to the vendors of the petitioners under Section 6-A of the A.P. Rights in Land and Pattedar Pass Books Act, 1971, hereinafter called "the ROR Act" and both the revenue records and the record of rights, which reflected any pattedar passbook and title deeds, clearly show that it is a private patta land of the vendors and there is nothing in the revenue records to show that the land is an assigned land there is a presumption under Section 6 of the ROR Act that the entries are correct and the respondents have disclosed any material in the impugned proceedings to rebut this presumption and therefore, the impugned proceedings are ex-facie illegal, contrary to law and violative of Article 300-A and 31-A of the Constitution of India.
 - d) The respondents have not conducted any enquiry and have not given any opportunity.
 - e) The second respondent has dismissed the appeal without conducting an enquiry.
 - f) The respondents failed to specify the points in the show cause notice like the nature of occupancy rights granted, lands falls within the notified area, occupancy right/assignment granted and the reasons for change from the original entries in khasra pahani under Section 3(2) of A.P. Assigned Lands (POT) Act.
 - g) The first respondent has not even adverted to the question whether the land in question is an assigned land and therefore, the impugned proceedings are totally without jurisdiction.
 - h) The subject lands are not included in the Assigned lands list of Collector, Ranga Reddy District which was sent to Sub Registrar.
3. In the reference 7th read above, the Government have stayed the operation of orders of RDO East Division, in all batch cases till the disposal of the Revision Petitions pending before the Government.
4. Subsequently the Revision Petitioners have filed W.P No's 5820, 5834, 5946, 5856, 5857 & 5859 in High Court of A.P. The Hon'ble High Court has disposed of the Writ Petitions with the following directions on 1.5.2009:
- "The 1st respondent shall pass appropriate orders on the revisions filed by the petitioners, against the orders, dt.17-11-2007, within a period of six weeks from the date of receipt of a copy of this order. Till such time, status quo obtaining as on today shall be maintained by all the parties. The 4th respondent i.e. VC & MD Rajiv Swagruha Corporation shall be entitled to be heard in the revisions before the 1st respondent i.e. Government".
5. In the reference 9th read above, the Counsel for the Rajiv Swagruha Corporation has filed an implead petition with a pray to dispose the revision petition in terms of the orders of Hon'ble High Court.
6. Case called on 25-07-2009, 22-08-2009, and 31-10-2009, the Counsel for the petitioners and Counsel for the implead petitioner were present, and Tahsildar Qutubullapur was also present on 25-07-2009.
8. Heard the arguments. Perused the lower Court records and written arguments filed by the Revision Petitioners and the implead petitioner.

9. The brief facts of the case are that as per the revenue records the lands in bearing Sy.Nos.39 and 40 are patta lands and the land was taken over by the Government as the surplus land out of the lands declared by the individuals in the year 1979. The lands were shown as Khariz Khata and implemented in Revenue Records i.e. Pahani for the year 1979-80. Subsequently, the land was assigned to landless poor persons in the year 1991-92. The revision petitioners have purchased the lands in the year 1996-97 from the Assignees. On verification of lands it is found that the assignees, have sold the lands in violation of Section 3 (2) & 3 of A.P. Assigned lands (POT) Act 1977. The MRO issued notice to the purchasers on 18-08-2005. After perusal of the explanation submitted by the purchasers, the MRO vide his proceedings No.A/3511/ 2/05, dt.15-12-2005 and other batch cases have ordered to resume the land in favour of Government. Aggrieved by the above orders, the revision petitioners have filed an appeal petitions before RDO, East Division, under Section 4-A of A.P. Assigned lands (POT) Act, 1977. However even before the appeal was disposed of the parties filed WP Nos.27254, 27257, 27259 to 27261, 27263 & 27264/2005 seeking for a direction to the respondent therein to consider the representation of the petitioner seeking regularization of their purchased lands. These writ petitions were disposed of by way of a common order directing the 5th respondent there in i.e. the Spl.Gr.Dy.Collector & RDO RR East Division to consider the explanation submitted by the petitioners and dispose of the matters. The appeal in Case 13/4374/2005 was dismissed on 17-11-2007 by Respondent No.3 i.e. RDO RR East Division. Aggrieved by the orders of RDO RR East Division, the petitioners have filed revision petitions directly before Government without availing the opportunity before Joint Collector, Ranga Reddy District as per the section 4 A(2) of A.P. Assigned Lands (POT) Act, 1977. Government admitted the Revision Petitions under the provisions of Section 4-B of A.P. Assigned Land (POT) Act, 1977.

10. On perusal of the records and the report of the Collector, Ranga Reddy District and common written arguments filed by the petitioners and implead petitioner and after hearing the arguments, it is observed that the revision petitioners have purchased the land in violation of Section 3(2) of A.P. Assigned Lands (POT) Act, 1977.

11. In the circumstances, I do not find any valid reasons to interfere with the impugned orders passed by the Revenue Divisional Officer, East Division, Ranga Reddy District in Proceedings No.B/4374/2005, dt.17-11-2007 confirming the orders of the Deputy Collector & Tahsildar, Qutubullapur Mandal, in proceedings No.A/3511/3-8/2005, dt.15-12-2005. Hence, the Revision Petitions are dismissed and the orders passed by the RDO East Division, Ranga Reddy District confirming the orders of Dy.Collector & Tahsildar, Qutubullapur Mandal are confirmed. The status-quo orders issued in the reference 7th read above are hereby vacated.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJESHWAR TIWARI
SECRETARY TO GOVERNMENT

To

Smt.P.Hima Bindu W/o Sri Hari Krishna
Smt A.Vindyavali W/o Sri A.Prabhakar Reddy,
Smt.A.Bhanu Rekha W/o Sri Chandra Kiran,
Sri P.Hari Krishna, Director M/s Srinivasa,
Smt.A.Bhanu Rekha, Partner of APR Associates,
A.Shankar Reddy S/o Sri A.Raghava Reddy,

Through the Collector, Ranga Reddy District

The Collector, Ranga Reddy District

The Dy.Collector & Tahsildar, Qutubullapur Mandal, Ranga Reddy District

Copy to:

Sri A.Durga Prasad, Advocate – Counsel for the Revision Petitioners –

through Collector, Ranga Reddy District

Sri J.Prabhakar, Advocate, H.No.1-8-700/16, Padma Colony, Nallakunta, Hyderabad-44

Counsel for the Rajiv Swagruha Corporation

The MD A.P.Rajiv Swagruha Corporation

SF/SCs.

// FORWARDED BY ORDER //

SECTION OFFICER